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June 8, 2020

Via ECF

At the parties' request, the action is stayed until November 10, 2020. Counsel shall confer and inform the Court of the status of the action before that date.

Hon. Loretta A. Preska, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2220
New York, New York 10007-1312

Dated: June 10, 2020
New York, NY

LORETTA A. PRESKA, U.S.D.J.

Re: Biofrontera AG v. Deutsche Balaton AG et al.; Case No. 1:18-cv-05237-LAP

Dear Judge Preska,

This firm represents Plaintiff in the above-referenced action. In accordance with Your Honor's May 18, 2020 Order (ECF No. 67), we write on behalf of the parties to provide an update on the status of this matter and to request a stay of this action while the parties pursue mediation of these issues in Germany, in accordance with the parties' agreement outlined below.

The parties have agreed to conduct and participate in good faith in a mediation of the issues raised in this action and in the litigations between the parties that are currently pending in Germany. The parties have further agreed to conduct this mediation in Germany. In order to focus their efforts and resources on this mediation, the parties respectfully request a stay of this action for 150 days, beginning on the date that Your Honor orders the stay. The parties request this time in order to secure mediation services in Germany, reach further agreement on the terms of the mediation, and to account for Covid-19 restrictions. The parties further agree, and seek to make a condition of the stay, to conduct this mediation, or to agree on a date certain by which to conduct the mediation, with no less than 60 days remaining before the expiration of the stay in this action, in order to afford additional time for negotiations, if necessary.

The parties and their respective German counsel are in the process of selecting an appropriate mediator and negotiating the terms of the mediation, and the parties will continue to update the Court on their progress and the scheduling of the mediation at the Court's convenience.

Hon. Loretta A. Preska, U.S.D.J.

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Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Aaron F. Jaroff

Aaron F. Jaroff

cc: All Counsel of Record (via ECF)